

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1145

T06-0025

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Union Pacific Railroad Company ("UP" or "Company"), Allens Grove Township ("TOWNSHIP"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through correspondence for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the TR 111 (1300N) highway-rail grade crossing of the Company's track near Mason City, Allens Grove Township, Mason County, Illinois, designated as crossing AAR/DOT #175 518S; railroad milepost 30.26-CNWL; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossings by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and other pertinent data relating to the crossing has been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the promises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Vacation of the TR 111 (1300N) roadway adjacent to the existing TR 111 (1300N) highway-rail grade crossing of the Company's track by Allens Grove Township.

DOCKETED

- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices by Allens Grove Township.
- (c) Removal of the existing grade crossing surface and warning devices at the existing TR 111 (1300N) highway-rail grade crossing by the Company.
- (d) Installation of permanent barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices by Allens Grove Township.
- (e) Payment as detailed *infra* from the Grade Crossing Protection Fund to Allens Grove Township for voluntary closure of the TR 111 (1300N) highway-rail grade crossing by IDOT.

Section 3 The Township shall pass a local ordinance vacating TR 111 (1300N), with a stipulation that final vacation of the roadway shall not take place until after a Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the TR 111 (1300N) highway-rail grade crossing. Following passage of the local vacation ordinance, the Township shall erect temporary barricades to prevent vehicular access to the TR 111 (1300N) highway-rail grade crossing. The temporary barricades shall be erected by the Township within three (3) business days from the date the vacation ordinance is passed by the Township. The Township will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Company shall upon Order, according to the requirements contained therein, remove the crossing surface and warning devices at the TR 111 (1300N) highway-rail grade crossing. The work shall be completed within sixty (60) days after the Company receives a copy of the Order. UP shall provide all parties with notice that the work has been complete within five (5) days of completion.

The Township shall upon Order, according to the requirements contained therein, install permanent barricades on both sides of the TR 111 (1300N) highway-rail grade crossing at the Company's right of way (ROW) limits. The work shall be completed within thirty (30) days after the Township receives a copy of the Order. The Township shall provide all parties with notice that the work has been complete within five (5) days of completion. Prior to installation of the permanent barricades, UP shall identify its ROW limits at the TR 111 (1300N) highway-rail grade crossing for the Township.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	City	COMPANY	IDOT
Vacate TR 111 (1300N) by Local Ordinance; erect Temporary Barricades at the TR 111 (1300N) grade crossing	No estimate required	\$0	100% ²	\$0	\$0
Remove existing surface and warning devices at the TR 111 (1300N) grade crossing.	No estimate required	\$0	\$0	100%	\$0
Install permanent Barricades at the TR 111 (1300N) grade crossing.	No estimate required	\$0	100% ⁴	\$0 ³	\$0
Provide Grade Crossing Protection Fund Incentive Payment for Voluntary Closure of the TR 111 (1300N) grade crossing	\$50,000	100% ¹ (\$50,000)	\$0	\$0 ⁵	\$0
TOTALS	\$50,000	\$50,000	\$-----	\$-----	\$-----

[Totals do not reflect costs where no estimates were provided.]

Notes:

¹ Total GCPF payment not to exceed \$50,000;

² The Township shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the TR 111 (1300N) highway-rail grade crossing.

³ The Company shall identify its right of way (ROW) limits at the TR 111 (1300N) grade crossing for the Township prior to the installation of the permanent barricades.

⁴ The Township shall be responsible for all costs associated with installing and maintaining the permanent barricades.

⁵ The Department shall issue a payment of \$50,000 from the Grade Crossing Protection Fund to the Township within sixty (60) days from the date of a Commission Order.

Section 6 The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit C. The Township shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: The Township shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the roadway has been vacated. The Township shall submit the vacation ordinance to all parties at the same time as the Execution Page of this Agreement is submitted to the Commission.

Within sixty (60) days from receipt of the Commission Order, the Department shall issue a payment of \$50,000 from the Grade Crossing Protection Fund to Allens Grove Township

for voluntary closure of the TR 111 (1300N) crossing. The Department shall notify all parties when the payment has been completed. The Township may use the GCPF payment for any purpose that meets IDOT's requirements for permissible uses of Motor Fuel Tax Funds.

Upon receipt of the Commission Order, the Company shall remove the crossing surface and warning devices at the TR 111 (1300N) highway-rail grade crossing. The Township shall install permanent barricades at the Company's R.O.W. line. The permanent barricades shall conform to the requirements of 92 Illinois Administrative Code, Part 1535.701, and the Manual on Uniform Traffic Control Devices. The Township shall install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All barricades and warning signs are to be maintained by the Township.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits B and B-1, along with this executed Agreement.

The Company and the Township shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits B (RR) and B-1 (TWP), regarding the progress each has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Township Project Manager.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

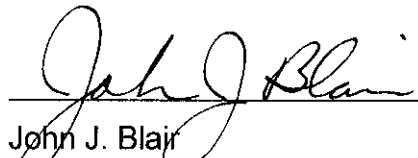
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 26th day of **October 2005**.



Michael E. Stead
Rail Safety Program Administrator

Attest:



John J. Blair
Senior Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1145 concerning vacation of the TR 111/1300N (AAR/DOT #175 518S; railroad milepost 30.26) highway-rail grade crossing of the Union Pacific Railroad Company's track, located near Mason City, Allens Grove Township, Mason County, Illinois.

Executed by the STATE this _____

day of _____,

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

 11/1/05

Timothy W. Martin, Secretary, Illinois Department of Transportation

Illinois Commerce Commission Stipulated Agreement No. 1145 concerning vacation of the TR 111/1300N (AAR/DOT #175 518S; railroad milepost 30.26) highway-rail grade crossing of the Union Pacific Railroad Company's track, located near Mason City, Allens Grove Township, Mason County, Illinois.

Executed by Allens Grove Road District this 6 day of Dec.
2005.

ALLENS GROVE ROAD DISTRICT

By: Henry W. Irving Super.

RECEIVED
DEC 9 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Renelle A. Kirk, Clerk

RESOLUTION 11-1-05-1

Allens Grove Township, Mason County, Illinois is financially willing
And able to bear the cost of installing and maintaining barricades on 1300N
Between 3800E and 3700E at Union Pacific Railroad Crossing AAR/DOT
#1755185, railroad milepost 30.26 CWL.

Temporary type-III barricades conforming to the requirements of 92
Il. Administrative Code 1535.701 and then installing permanent barricades
of above requirements.

Executed by Allens Grove Road District

This 6 day of Dec. 2005

Allens Grove Road District

By: Henry W. Spring, Super.

Attest: Rexelle A. Kirk, Clerk

Vote: 4 Ayes 0 Nayes

ORDINANCE 11-1-05

Allens Grove Township, Mason County, Illinois. Will vacate Township road between 3800E and 3700E at railroad crossing AAR/DOT #1755185, railroad milepost 30.26 CNWL.

The road will be closed to thru traffic and the vacate shall not take place Until a commission order has been authorized as an incentive payment from The Grade Crossing Protection Fund.

Executed by Allens Grove Road District

This 6 day of Dec. 2005.

Allens Grove Road District

By: Henry W. Smith, Supr.

Attest: Kerell A. Kirk, Clerk

Vote: 4 Ayes 0 Nays

Illinois Commerce Commission Stipulated Agreement No. **1145** concerning vacation of the TR 111/1300N (AAR/DOT #175 518S; railroad milepost 30.26) highway-rail grade crossing of the Union Pacific Railroad Company's track, located near Mason City, Allens Grove Township, Mason County, Illinois.

Executed by Union Pacific Railroad Company this 18 day of April 2005-2006

UNION PACIFIC RAILROAD COMPANY

By: W. E. Trump

AVP ENGINEERING

Attest:

C. W. Taylor

Approved as to form:

Lawrence E. [Signature]
Assistant Vice President

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	UP
USDOT#, MILEPOST	175 518S; 30.26
STREET, CITY, COUNTY	TR 111 (1300N), near Mason City, Mason
JURISDICTION (RDWY)	Allens Grove Township
LOCATION	Local, Rural
STREET SURFACE	E-10', W-10'; Dirt; Condition - fair

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Timber	15'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	25 Vehicles Per Day @ 55 MPH
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	10 Per day @ 40 MPH; Day & Night? Yes
PASSENGER TRAFFIC	N/A
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	40	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	N/A	FEET
Along Tracks	N/A	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	N/A	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

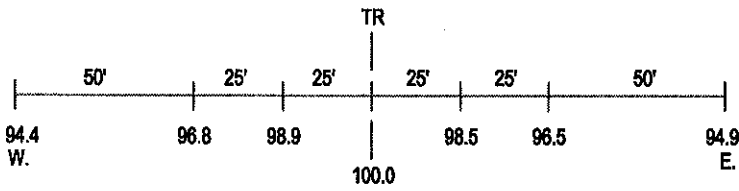
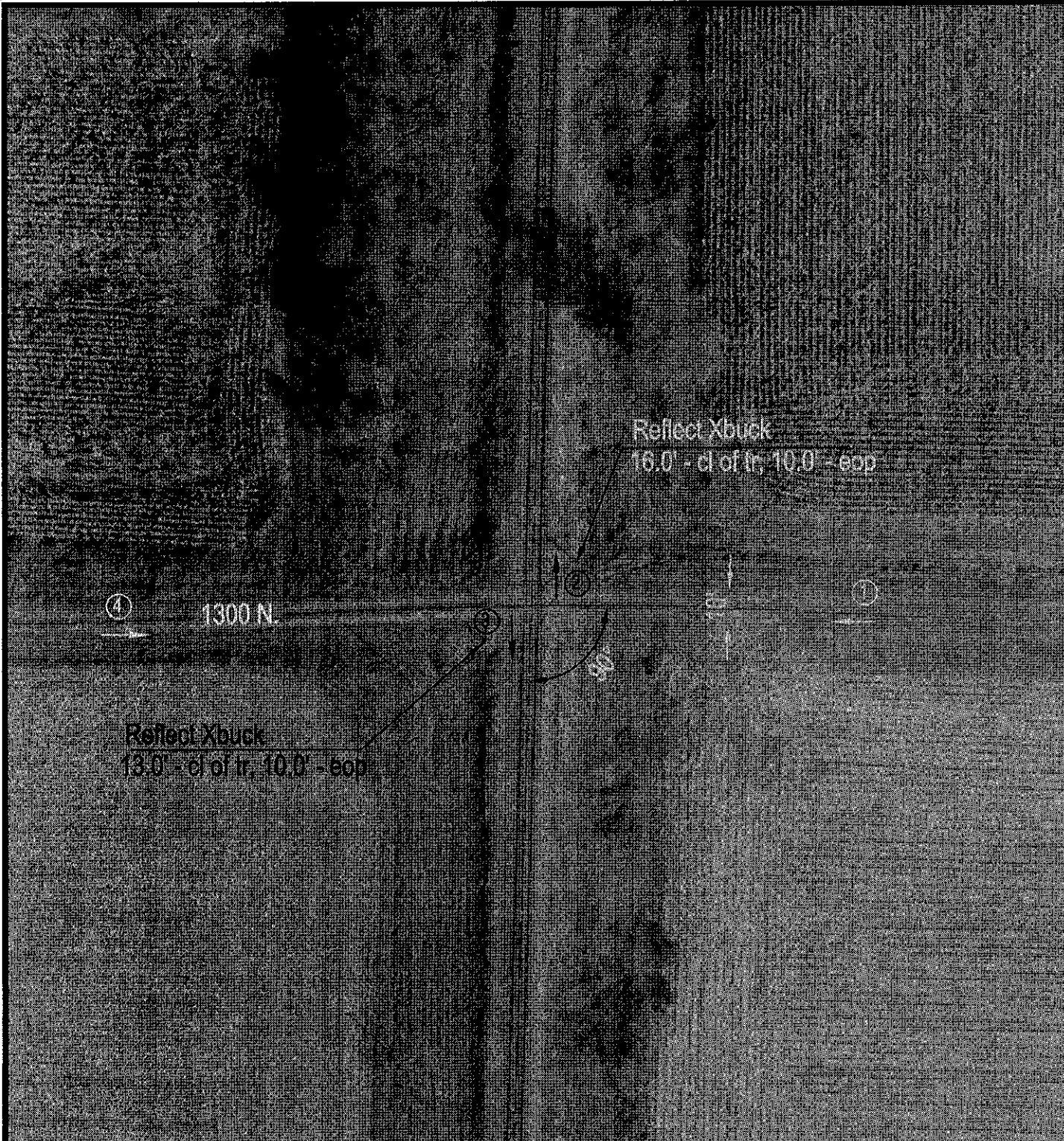
APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

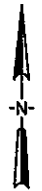
Distance measured from outermost rail.

COMMENTS:

See Page Three for a Location Sketch (Aerial View) of the crossing.



ROAD PROFILE



③ Photo Location

Crossing #: 175518S
 Location: Mason Co., City of Mason City (N)
 Lat/Long: 40°14'49" / 89°38'55"
 Railroad: UP
 Street: 1300 N.
 Railroad Milepost: 30.26
 Crossing Protection: Signs

L:\MASON\175518S\175518S.DWG 04/26/00 12:06 TFC

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT**

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Union Pacific Company
Docket/Order #: Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	175 518S; 30.26-CNWL
Street, (in/near) City, County:	TR 111 (1300N), near Mason City, Allens Grove Township, Mason County
Railroad Company:	Union Pacific Company

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	
Title:	
Representing:	
Street Address:	
City, State, Zip:	
Office Phone:	
Office Fax:	
Cellular Phone:	
E-Mail Address:	

²Project Manager information to be submitted by Union Pacific Railroad Company

DESCRIPTION OF IMPROVEMENTS ORDERED:

Close, abolish and install barricades at the TR 111 (1300N) highway-rail grade crossing near Mason City, Allens Grove Township, Mason County.

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Bob Berry, Railroad Safety Specialist
Phone: (217) 785-8434
Email: bberry@icc.illinois.gov

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT**

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Allens Grove Township
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	175 518S; 30.26-CNWL
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ROADWAY VACATION ORDINANCE/RESOLUTION

ORDINANCE/RESOLUTION 1005

AN ORDINANCE VACATING A ROADWAY AT THE 1300N BETWEEN 3800E—3700E HIGHWAY-RAIL GRADE CROSSING OF THE UNION PACIFIC R.R. TRACK IN THE ALLENS GROVE TOWNSHIP.

WHEREAS, the Allens Grove Township has determined that the public interest will be served by vacating a portion of 1300N between 3800E—3700E at the point that such 1300N between 3800E—3700E is crossed by the Union Pacific R.R.'s track, such intersection being:

The intersection of Union Pacific's track and 1300N between 3800E—3700E, identified as AAR/DOT# 1755/85, railroad milepost 175518S.

WHEREAS: the Allens Grove Township has determined that statutorily dedicated portion of 1300N between 3800E—3700E serves no current or future public purpose and is currently a hazard to public health and safety;

NOW THEREFORE, BE IT ORDAINED/RESOLVED BY THE ALLENS GROVE TOWNSHIP COUNCIL OF THE ALLENS GROVE TOWNSHIP, MASON COUNTY, ILLINOIS AS FOLLOWS:

1. That the recitals contained in the preamble to this Ordinance/Resolution are incorporated by reference as if set out in full herein.
2. That the Allens Grove Township shall, and hereby does, vacate:

The intersection of Union Pacific's track and 1300N between 3800E—3700E, identified as AAR/DOT# 1755/85, railroad milepost 175518S.

3. That the ownership of the property vacated by virtue of this Ordinance shall be vested in the adjoining property owner, Union Pacific, Pursuant to the provisions of Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1), subject to the Union Pacific reimbursing the Allens Grove Township for the publication costs incurred in publishing the public notice of the 1300N between 3800E—3700E vacation hearing, reimbursing the Allens Grove Township for the fee associated with the preparation of any necessary plat of Survey, and reimbursing Allens Grove Township for legal fees incurred by the Allens Grove Township for the Allens Grove Township Attorney's work in preparing this Ordinance in the amount of _____; and honoring all terms of the separate Agreement entered into contemporaneously by the parties, including

payment of a specified sum the Allens Grove Township has determined that is at least equal to the fair market value of the property.

4. That this Ordinance/Resolution shall be in full force and effect after its passage, approval and publication as required by law.

PRESENTED, PASSED and ADOPTED at a regular meeting of the Allens Grove Township, Mason County, Illinois, by and aye and nay roll call vote, with 4 voting aye, 0 voting nay, 0 absent, and 4 passing, which meeting was held on Oct. 4 2005.

Dated: Oct. 4 2005

Henry W. Irnig, Super
local official

ATTEST:

Renelle A. Kirk
local official

Exhibit C

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date: 11-1-05

Agreement #1145

The Board or Council of Allens Grove Township, Mason County, meeting

On 11-1-05, Resolved to authorize George Weyherich

To act as its designated agent in the processing of this Stipulated Agreement

and that Allens Grove Township is financially willing and able to bear the

cost for the proposed improvements as may be assigned to it according to

Section 5 of this Agreement.